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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,840	09/05/2003	Kenji Kuroiwa	S011-5112	7065
7590	12/01/2005		EXAMINER	
Adams & Wilks 31st Floor 50 Broadway New York, NY 10004			BEACH, THOMAS A	
			ART UNIT	PAPER NUMBER
			3671	
DATE MAILED: 12/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/655,840

Applicant(s)

KUROIWA ET AL.

Examiner

Thomas A. Beach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 09/14/05.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,10,13,15,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,7-9,11,12,14 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. Claims 1, 4, 6, 10, 13, 15, and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sueshige 6,523,283. No showing was presented under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131. Therefore, Sueshige remains prior art under 102(e).

Sueshige shows, in figures 1-20b, an overload prevention device for an auger transmission of a snow-remover preventing an excessive load from acting on the power train from the engine to an auger and an auger shaft axle 22, the overload prevention device having a worm wheel, first rotational member (claims 10 and 19), 38 for meshing with a worm 37 formed on an input shaft 36 of the auger transmission with a plurality of wheel protrusions 64, a cylindrical member 41, second rotational member (claims 10 and 20), which is fitted in the worm wheel and consequently rotates integrally therewith over a predetermined torque range and rotates relative thereto when a predetermined torque is exceeded; a generally disc-shaped member 45, moveable member (claims 10 and 20), disposed adjacent to the worm wheel for restricting a rotating angle of the cylindrical member, the disk-shaped member having a plurality of disk protuberances 67 facing a plurality of wheel protrusions provided on a respective side face of the worm wheel; a detector 53 for outputting a detection signal each time the detector detects

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movement of the disk-shaped member away from a side surface of the worm wheel when the protuberances of the disk-shaped member ride on the wheel protrusions of the worm wheel (figs 9A-F & 20A-B) of the cylindrical member and the worm wheel relative to one another; and a control unit (col. 13, lines 42-50) for stopping operation of the engine when detector outputs the detection signal preselected number of times within a preselected period, the preselected number being one since the operation of the control unit acts once the detector 53 is tripped.

As concerns claims 4 and 13, Sueshige shows a cover 31/32 that is shown sealed and presumed to be waterproof due the environment the device is operated in.

As concerns claima 6 and 15, Sueshige shows the detector has an ON state corresponding to a state during which the detector outputs the output signal and an OFF state detector does not corresponding to a state during which the output the output signal; and further comprising a stopper member for temporarily stopping movement of the disk-shaped member to restore the detector to the OFF state from the ON state.

***Allowable Subject Matter***

2. Claims 2, 3, 5, 7-9, 11, 12, 14, and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

3. Applicant's arguments filed 09/14/05 have been fully considered but they are not persuasive. Applicant's arguments that Sueshige fails to show the detector outputs the detection signal a preselected number of times within a preselected period is noted; however, as described above in the rejection, there exists a preselected number which is one since the operation of the control unit acts once the detector 53 is tripped.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Thomas A. Beach

November 26, 2005

**THOMAS A. BEACH**  
Patent Examiner  
Group 3600